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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,411	01/23/2004	Craig A. Wilensky	B-7258	4554

7590 10/19/2007
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EXAMINER

ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,411	Applicant(s) WILENSKY, CRAIG A.	
	Examiner Daniel St.Cyr	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made of amendment 9/04/07.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-12, 14, 16-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman et al (US 6,189,788; hereinafter "Sherman") in view of Collins, Jr. (US 5,149,947) and Cox (US 6,378,684).

Re claims 1-2, 6-12, 16, 18-21 and 23: Sherman et al teaches a device for performing a task at a point of activity, comprising a movable cart (shopping cart 164 in fig. 8; column 10, line 51 through column 11, line 5); a computing device (10 in figs. 1,4, and 10) connected to the movable cart and operably linked to a mobile power supply (133, 171 in fig. 10; column 11, lines 6-26; column 6, lines 64-66); a barcode scanner (75 in fig. 2) operably linked to a barcode receiver on the movable cart (column 7, lines 3-24; column 5, lines 25-29; column 6, lines 14-17); and a printer (83, 81 in fig. 10) for printing barcodes (column 8, lines 11-15).

Sherman does not specifically teach the mobile power supply is configured and arranged so as to output a voltage lying in a predetermined range for a standard AC voltage and wherein the computing device and peripherals thereof are configured so as to be powered by the standard AC voltage.

Art Unit: 2876

Collins, Jr. teaches incorporating the AC voltage (cable 64, electrical outlet 66) for supplying the power to the computing device (figs. 2-3; column 3, lines 21-61); wherein the electrical-outlet-66/cable-64 is inherently a stationary/fixed source/components for supporting/supplying AC voltage.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the AC voltage for supplying the power to the computing device to the teachings of Sherman due to the fact that if the internal rechargeable battery(s) are depleted/damaged one can still transport the computing device to an electrical outlet and complete his/her transaction. Accordingly, such modification could provide Sherman et al with an alternative means for powering the computing device.

Although, Collins, Jr. teaches the AC power supply 64 is stationary/fixed as shown in figures 2-3, Sherman in view of Collins, Jr. fails to specifically teach the power supply is mobile.

As shown in figure 4 column 8 lines 7-40 (particularly lines 14-27), Cox teaches a portable battery 58 having the power interface 61, which has the capability of converting low voltage high amperage direct current into an appropriate standard AC voltage and current suitable for operating the system components, such as controller 62.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the portable/mobile power supply having a capability of AC voltage/power converting as taught by Cox to the teaching of Sherman in view of Collins, Jr. in order to conveniently provide AC voltage/power to the system component, such as the controller 62 (column 8 lines 14-27). Furthermore, making the power supply portable/mobile is not sufficient by itself for patentability.

Art Unit: 2876

See MPEP 2144.04(V). In re Lindberg, 194 F.2d 732, 93 USPQ 23 (CCPA 1952). In re Lindberg, 194 F.2d 732, 93 USPQ.23 (CCPA 1952) (Fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results.

Re claim 3: Sherman teaches the portable computing device 10 is a RF portable computer (column 5, lines. 16-29), which is a wireless handheld computer.

Re claims 5 and 14: Sherman et al teaches a back plate 168 that receives the computing device wherein the back plate is tiltably mounted on the movable cart (fig. 9; column 11, lines 1-5).

Re claims 17 and 24: Sherman et al teaches the DC power source is one or more rechargeable type of batteries (133, 171 in fig. 10; column 11, lines 6-26).

4. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman as modified by Collins, Jr. and Cox as applied to claim 1 above, and further in view of Sturr, Jr. (US 2004/0143512 A1). The teaching of Sherman as modified by Collins, Jr. and Cox has been discussed above.

Sherman as modified by Collins, Jr. and Cox fails to specifically teach that the computing device 10 is a wireless 802.1 lb computer.

Sturr, Jr. teaches a plurality of store servers in order to create total corporate information on all sold items from all stores, or for a single store sales using a wireless network such as a network operating on 802.1 lb protocol for communication (paragraph 26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the wireless 802.1 lb network protocol as taught by Sturr, Jr. to the teachings of Sherman as modified by Collins, Jr. and Cox in order to provide a secure, fast and latest wireless Ethernet communication technology.

Art Unit: 2876

Response to Arguments

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to the applicant that there is no reason to modify the teachings of Sherman into a portable device, the examiner respectfully disagrees. It has been taught and proved in the art that rendering devices portable provide a plurality of advantages. For instance, the first computers were massive stationary device, but ordinary skilled artisans were to modify them into portable, hand-held devices. The applicant argument is not persuasive.

In response to the applicant's argument that the back plate is not tiltably mounted, the examiner respectfully disagrees. While the degree of tiltability may vary from one device to the next, it is shown in fig. 9 that back plate is tiltably mount. Furthermore, with respect to controlling the storage device, the notebook computer has means for controlling the storage device. The applicant's argument is not persuasive.

Examiner's note:

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context or "the passage as taught by the prior art or disclosed by the examiner."

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2876

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

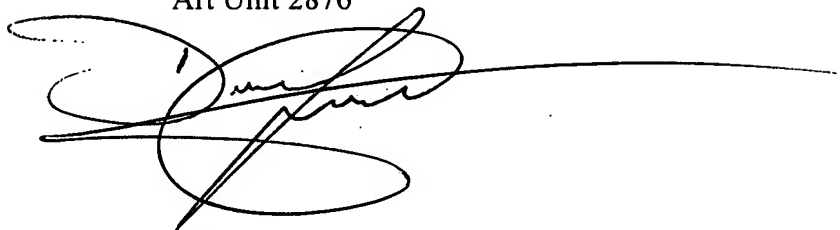
Application/Control Number: 10/763,411

Page 7.

Art Unit: 2876

Daniel St.Cyr
Primary Examiner
Art Unit 2876

DS
October 15, 2007

A handwritten signature in black ink, appearing to read 'Daniel St. Cyr', with a long horizontal line extending to the right.